

Gladman House
Alexandria Way
Congleton
Cheshire
CW12 1LB

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Chief Executive

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Application no: SMD/2015/0407

Determined on: 21/09/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)(England) Order 2015**

REFUSAL OF PLANNING PERMISSION

Location of Development:

Land At MILLTOWN WAY, LEEK, STAFFORDSHIRE

Description of Development:

Outline application for up to 90 dwellings, with associated public open space, Ecological Management Area and landscaping, with all matters reserved except for access (resubmission of SMD/2014/0618)

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 5122-L-01 Q; 5122-L-03 for the reason(s) specified below:-

1. The proposed housing development would cause harm to the setting of the Grade II listed Pickwood Hall and also the setting of Leek Conservation Area. Additionally, the Historic Environment Character Assessment (Leek) shows that the application site lies within the north area where the integrity of the historic landscape retains a high heritage value and together with an overall settlement pattern of low density, medium to large scale development may not be appropriate, particularly in the north of the zone. Furthermore, the document refers to the historic parkland (of Pickwood Hall) providing opportunities to fulfil the objectives of the Green Infrastructure Plan. The proposal, therefore, would result in a significant urban expansion of the town into an area of high heritage value and further would intrude into a sensitive green wedge of land that serves to define the rural setting of the town. This is contrary to Policies SS1, SS5a, SS6c, SS7, H1, DC1, DC2, DC3 and C3 of the Council's Core Strategy Development Plan Document (Adopted March 2014) which seeks to protect the historic environment, including designated and non-designated heritage assets and is also contrary to the National Planning Policy Framework (NPPF) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The proposed housing development would not respect or enhance the important landscape settlement setting of Leek as identified within the 'Leek Settlement Character

Assessment' documents. Clearly, the proposal does not adequately assess local character, including landscape setting, where development would not be integrated with its surrounding context. Neither would the proposal 'reinforce and sustain local distinctiveness' nor would it 'contribute to a sense of place'. In these respects, there would be significant harm to the character and appearance of the local landscape setting and also harm to the visual amenity of local residents, including users of the Pickwood Recreation Ground and users of local footpaths. This is contrary to Policies SS1, SS5a, SS6c, SS7, H1, DC1, DC3 and C3 of the Council's Core Strategy Development Plan Document (Adopted March 2014), which seeks to protect the district's landscape and is further contrary to the National Planning Policy Framework (NPPF).

3. The Framework has, at its heart, a presumption in favour of sustainable development. Framework paragraph 14 confirms that, where the relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted. Overall, the impacts arising from granting planning permission would be adverse and they would significantly and demonstrably outweigh the benefits of the residential scheme contrary to Policies SS1, SS1a, SS5a, SS6c, SS7, H1, DC1, DC2, DC3 and C3 of the Adopted Core Strategy Development Plan Document, supporting documents and National Planning Policy Framework (NPPF).

Informatives

1.It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF.

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form

which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

3. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.